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C O N F I D E N T I A L SECTION 01 OF 02 BOGOTA 002582

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SOUTHCOM FOR POLAD

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TAGS: [PGOV](#) [KJUS](#) [PTER](#) [CO](#)
SUBJECT: LIVELY DEBATE UNDERWAY ON DEMOBILIZATION
LEGISLATION

REF: BOGOTA 2306 AND PREVIOUS

Classified By: Ambassador William B. Wood for reasons 1.4 (b) and (d).

1. (C) Summary: The week of March 8 saw heated public debate over important aspects of demobilization legislation. The three principal issues that captured attention were: (A) whether the GOC's bill could complicate the extradition of paramilitaries on drug trafficking charges; (B) the desirability of across-the-board prison sentence reductions for paramilitaries already incarcerated; and (C) legal issues related to the concept of confession. After criticism from several members of Congress, President Uribe made a radio address on March 10 defending his Administration's record in fighting drug trafficking and reiterating his commitment to extradition. Peace Commissioner Restrepo refuted claims by Inspector General Maya and members of Congress that the GOC was going soft on the paramilitaries. The start of article-by-article voting in the House and Senate First Committees, originally planned for March 14, was abruptly rescheduled for the following day. Voting is expected to take several days. End Summary.

2. (U) The First Committees of the House and Senate, which focus on constitutional and legal affairs, met in joint session for three days and roughly 20 hours of formal debate during the week of March 8 to discuss proposed demobilization legislation (reftel). Voting on the 67-article GOC text, which will take place on an article-by-article basis (e.g. the Congress can modify any article in its entirety by majority vote), was scheduled to begin on March 14, but re-scheduled for the morning of March 15. Three days of voting are expected. Provided a bill passes both Committees, which vote separately, the full House and Senate could start debate in joint session eight calendar days after the final Committee vote. (Note: The President does not have a formal veto. If he objects to a bill on constitutional grounds, and the Congress insists on approving it, the Constitutional Court has six days to rule. If the Court declares the legislation constitutional, the President must promulgate it. The President may return a bill to Congress, noting his concerns, but if majorities of members of both houses insist on their version, the President must promulgate it. End Note.)

3. (U) Media attention has focused on the differences between the GOC and its critics in Congress over various aspects of the Government's latest draft. In most cases, the loudest critics have been members of the anti-Uribe Liberals, the "Officialist" Liberal Party (PLC), or leftist parties such as the Independent Democratic Pole (PDI). However, some Uribe allies, including former Senate President German Vargas Lleras, have criticized some aspects of the GOC's bill.

EXTRADITION

4. (U) The most high-profile debate centered around Article 64 of the GOC bill, modifying the Penal Code to treat paramilitaries as guilty of "sedition," which carries the same punishment as "rebellion." Several PLC senators suggested the language would impede the extradition of paramilitaries on drug trafficking charges, since the bill would broadly define paramilitary activities as political in nature. Colombian law prohibits extradition for political crimes. On March 10, President Uribe made a radio address in which he defended his commitment to extradition and combating drug trafficking. Uribe categorically denied the existence of any potential extradition loophole for paramilitaries in

the GOC's bill.

15. (SBU) On March 13, Inspector General ("Procurador") Edgardo Maya expressed concern about the alleged extradition loophole and questioned Peace Commissioner Luis Carlos Restrepo's commitment to impose significant punishments on the paramilitaries. Restrepo later refuted Maya's allegations and questioned the bona fides of several members of Congress. Representative Adalberto Jaimes, a 14-year House veteran and leading member of the First Committee, told poloff on March 11 that he expected the Article 64 language to be modified slightly to prevent any impression of a legal loophole on extradition. In an expected move, Representative Rocio Arias, a known paramilitary sympathizer, announced plans to introduce a bill that would prohibit the extradition of any individual engaged in peace process negotiations with the Government. Restrepo immediately dismissed the measure and said the GOC would reject it out-of-hand. In a meeting with the diplomatic corps on March 14, Interior and Justice Minister Sabas Pretelt reiterated the GOC's commitment to maintaining the excellent U.S.-Colombian extradition relationship.

SENTENCE REDUCTION

16. (SBU) A second major issue has been the GOC's proposal to reduce sentences for individuals currently incarcerated, an equity provision parallel to the eight-year maximum sentence under the GOC bill. Detractors, including Senators German Vargas Lleras and Andres Gonzalez (a former GOC Justice Minister), have complained that such a reduction would send a negative message to Colombian society, and that it has nothing to do with demobilization. However, prominent jurists in the Congress state that the Constitution requires equity in sentencing, and the measure is most likely designed to stave off legal challenges. During debate, arguments for or against the measure appeared to be split. The Ombudsman (Defensor del Pueblo) questioned the validity of the clause and Sabas Pretelt indicated the GOC was not wedded to it.

17. (SBU) Several members of Congress also continued to call for stronger language on truth and confessions. The strongest voice on this remains Senator Rafael Pardo. Both Senate President Luis Humberto Gomez Gallo and Senator Vargas Lleras have urged the GOC to include tougher language, although they generally support the GOC text. The GOC continues to resist use of the term "confession," noting that the Constitution prohibits forced confession. Again, the GOC appears to be attempting to avoid potential legal battles down the road, particularly with the politically-charged Constitutional Court. Nevertheless, Pardo and Sabas Pretelt met at length over the March 12 weekend, a potential sign of an attempt to bridge differences.

PROSPECTS

18. (C) As of March 14, many First Committee Congressional contacts and the Vice-Minister of Interior continue to tell us the committees will pass a bill before the start of Holy Week. They are less confident regarding the full House and Senate. Officialist Liberal Senator Rodrigo Rivera, who insists the GOC measure remains lax on drug trafficking, told poloffs on March 14 that the GOC nevertheless has majorities in both First Committees. Even doctrinaire leftist and strong Pardo version supporter Senator Carlos Gaviria stated publicly that he is willing to compromise with the GOC in the search for peace. There appears to be much less agreement on what the version coming out of the committees will look like. Many insist that Article 64 is still potentially problematic for extradition. The GOC has not yet agreed to modify Article 64, and it appears ready to let the issue be decided by the votes of the First Committees.

COMMENT

19. (C) For now there seems to be no provision that would impede extradition, although the draft law's provisions could put a cap on sentencing. Despite the apparent lack of opposition to extradition, we will be on the lookout for subtle changes or deletions in the text that would cloud Colombia's ability to extradite drug traffickers in a "sedition" mantle.

WOOD

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